

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

EDDIE P. GREEN,)	
)	
Petitioner,)	Civil Action No. 08-155
)	
v.)	
)	Magistrate Judge Caiazza
MELVIN LOCKETT, <i>et. al</i> ,)	
)	
Respondents.)	

MEMORANDUM ORDER

Eddie P. Green's Petition for Writ of Habeas Corpus was received by the Clerk of Court on February 4, 2008. An Answer was filed on May 30, 2008. The Petitioner has, however, now filed a Motion to Dismiss Without Prejudice and/or to Stay Petition for Writ of Habeas Corpus (Doc. 11) in which he asserts that he has a claim of newly-discovered evidence which he is now litigating in the state courts through a second petition pursuant to the Post Conviction Relief Act ("PCRA"). Indeed, "it is appropriate to stay and abey [federal habeas proceedings] while the petitioner exhausts his unexhausted claims in state courts." Rhines v. Weber, 554 U.S. 269, 277-278 (2005). Hence, the following order:

AND NOW, this 10th day of June, 2008,

IT IS HEREBY ORDERED that the Motion to Dismiss Without Prejudice and/or to Stay Petition for Writ of Habeas Corpus (Doc.

11) is GRANTED in that the instant Petition for Writ of Habeas Corpus is STAYED pending the conclusion of the Petitioner's state court appeal. The Clerk is directed to mark this case CLOSED. The Petitioner may file a motion to reopen this case at the conclusion of his state court PCRA proceedings.

s/Francis X. Caiazza
FRANCIS X. CAIAZZA
UNITED STATES MAGISTRATE JUDGE

CC:
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